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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,712	07/03/2003	Yoshifumi Kato	5000-5112	5007
27123	7590	01/12/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P.				VU, PHU
3 WORLD FINANCIAL CENTER				ART UNIT
NEW YORK, NY 10281-2101				PAPER NUMBER
				2871

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/613,712	KATO
	Examiner Phu Vu	Art Unit 2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1-4, 6 ,8 -15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Okibayashi et al. US Patent No. 5504599.**

**Regarding claims 1 and 8,** Okibayashi discloses a lighting system located behind a display unit, the lighting system comprising:

A substrate (fig. 6 element 21), a light-emitting element located on the substrate (25a-c), wherein the light emitting element has a first surface and a second surface, wherein the first and second surfaces are on opposite sides of the light emitting element, wherein the second surface faces the substrate, and wherein the light emitting element contains an electroluminescent material. A first electrode located on a first surface, wherein the first electrode is of a light transmittance type (not shown however they appear to be omitted in all the drawings except fig. 1B see column 6 lines 18-25). A second electrode located (intentionally omitted in the figures see column 6 lines 18-

25) on the second surface, wherein, when a voltage is applied across the electrode, the entire light-emitting element emits light. A passivation film (element 26) located on the first electrode, wherein the passivation film is of a light transmittance type and covers the entire surface of the first electrode that faces away from the light-emitting element; and a light outputting surface located on the passivation film wherein white light emitted by the light emitting element is outputted from the light outputting surface toward the display unit. The reference does not explicitly disclose the passivation layer being of a transmittance type however, since it rests over the light source and between the light source and the liquid crystal display it must be of the transmittance type otherwise it would render the light source inoperative.

**Regarding claims 2 and 11,** the light emitting layers 25a-25 are thin and sheet-like layer. Therefore, the limitation of the light-emitting layer being formed as a sheet is met.

**Regarding claims 3 – 4 and 14-15,** Okibayashi discloses a display including a reflecting portion which faces the second surface and reflects light that reaches the reflecting portion and the second electrode is this reflecting portion (see column 7 lines 30-35).

**Regarding claim 6 and 17,** Okibayashi discloses the electroluminescent layer made of a phosphor which is an inorganic material (see column 11 lines 15-25).

**Regarding claim 9,** the reference teaches a display with plurality of liquid crystal display elements (see fig. 1 element 20a).

**Regarding claim 10**, Okibayashi teaches the display unit (fig. 1 element 20a) as a transmissive display as presence of a backlight indicates it is a transmissive display.

**Regarding claim 12**, the display unit is located on the light outputting surface (fig. 1 element 26).

**Regarding claim 13**, Okibayashi teaches display unit (fig. 1 element 20a) is brought into intimate contact with the passivation film (fig. 1 element 26).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okibayashi in view Yokohama and further in view of Tang et al US Patent No 5684365.**

**Regarding claims 5 and 16**, Okibayashi discloses all the limitations of claim 5 except the electroluminescent material being an organic material. Tang discloses organic electroluminescent element that has a low drive voltage, high efficiency, and low temperature fabrication (column 2 lines 41-65). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use an organic electroluminescent element to gain a low drive voltage, high efficiency (light per watt), and a low temperature fabrication.

**Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okibayashi in view of Yokohama and further in view of Yamazaki et al. US Patent No. 6830494.**

**Regarding claims 7 and 18,** Okibayashi discloses all the limitations of the claim except the passivation film made of silicon nitrode, silicon oxide or diamond-like carbon. Yamazaki discloses a passivation layer between an EL layer and a TFT substrate to protect the TFT substrate from alkali metals and moisture (see column 8 lines 38-48). Therefore, at the time of the invention it would have been obvious to use silicon nitride in the passivation layer to protect the TFT substrate from alkali metals and moisture.

***Conclusion***

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu Vu whose telephone number is (571)-272-1562. The examiner can normally be reached on 8AM-5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571)-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu Vu  
Examiner  
AU 2871

*Andrew Schechter*  
ANDREW SCHECHTER  
PRIMARY EXAMINER